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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,931	02/05/2004	Leo Frank Terminello		6052

7590 06/09/2005
 LEO TERMINELLO
 1551 NE MIAMI GARDENS DRIVE # 318
 MIAMI, FL 33179

EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,931

Applicant(s)

TERMINELLO, LEO FRANK

Examiner

Lee Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The Spec is presently improper because it contains duplicative portions - as best understood, one for each embodiment. These two portions must be integrated into one, and which includes only ONE each of the above-mentioned sections. That is, ALL drawing descriptions, and ALL descriptions of the invention, must be integrated under the appropriate title as indicated above. Please refer to the enclosed prior art as a guide.

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2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." (That is, the cited references must be listed on separate PTO form 1449 to be considered.) Alternately, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

3. The following Claims are objected to because of the following issues:

The following elements lack antecedent basis (i.e., each element must be preceded by "a/an"):

- In Claim 2 – preferred embodiment,
- In Claims 3 and 8 – vertical axis,
- In Claims 4 and 9 – source,
- In Claims 6 and 11 – tongue, horizontal axis.

Also, in Claim 4, a period is lacking.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, line 1, "A method of manufacturing", is unclear because all subsequent language in this claim, and subsequent dependent claims, do not recite manufacturing steps, but appear to describe components of an apparatus. Language such as "a system" and "a means" are used to describe an apparatus, not a method. Amendment is required.

Applicant is asked to review the claims of the prior art (such as that on attached PTO form 892) as a guide towards proper claim language.

Additionally, in Claim 1, the "ground plane of the towing vehicle" is unclear.

In Claims 3, 6, 8 and 11, "to pass over vertically the horizontal axis of..." is unclear.

Claims 4 and 9 are totally unclear.

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, Claims 1, 2, 4, 5, 7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniels 4946332.

As best understood, Daniels discloses a multiple-use vehicular trailer 10 comprising a plurality of generic components, such as hitch component 22 and wheel assembly/rotatable means 21, to deploy and retrieve an object (boat/vehicle) without a ramp, or extraneous apparatus, at/below a ground plane of the towing vehicle (via pivoting ramp 36), and further comprising

means 110 to apply force so as to cause motion towards the source of the force,
as best understood.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. *As best understood*, Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of O'Brien Jr 4681334.

Daniels does not disclose a movable suspension system, while O'Brien shows this configuration with movable system 50 (figs 7). It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in O'Brien, to provide user-operated weight distribution for the particular towed vehicle, thus increase safety during transport, and minimization of damage to both towing and towed vehicles.

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B. *As best understood*, Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of Henson 6003892.

Daniels discloses hitch means 22, but does not disclose it as including height adjustment so to lower the trailer. Henson teaches this hitch configuration with height adjustment capability including elements disclosed in fig 4. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this hitch arrangement, as shown in Henson, to provide height adjustment to the entire trailer (of Daniels) to aid in loading/offloading the vehicle. This feature provides increased safety in loading/offloading, and minimizes damage and injury.

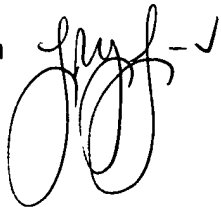
7. The prior art made of record, and not relied upon, is considered pertinent to the disclosure: Forsythe et al 6217053, Mohan 5380143, Veazey 5176394, Whiteley Jr 3632138, May 3578190.

8. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272 6649, M-F, 9-5. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 571 272 6651. Our fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum
Examiner
6/7/05

A handwritten signature in black ink, appearing to be 'Lum' with a checkmark at the end, written over the printed name and date.